

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERIKA ALEXANDRIA,

Plaintiff,

-against-

PRANA LIVING, LLC,

Defendant.

23-cv-5297 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

This case was filed on June 22, 2023. Dkt. 1. On August 23, 2023, Plaintiff's counsel advised the Court that he was in contact with Defendant. Dkt. 9. On August 24, 2023, Plaintiff entered a waiver of service on the docket. Dkt. 10. But Defendant has not yet appeared. Additionally, the Court's Initial Pretrial Conference Order required the parties to submit a proposed case-management plan and joint letter by September 20. Dkt. 5. The parties failed to meet that deadline. When the Court ordered Plaintiff to update the Court on the status of the case and explain the noncompliance, Plaintiff also failed to respond to that order, despite the Court's warning that noncompliance could result in this case's dismissal. Dkt. 12.

Given that the answer deadline has passed and that Plaintiff has continually ignored Court orders, Plaintiff has one more opportunity before the Court will dismiss this case under Rule 41. **By November 2, 2023, at 5:00 p.m.**, Plaintiff shall file a letter updating the Court on the status of this action. The letter shall address (1) whether this case has settled or otherwise been terminated and (2) whether Plaintiff intends to pursue a default judgment. Plaintiff shall also attach a proposed case-management plan. **Failure to comply with this order will result in the action's dismissal for failure to prosecute and for failure to comply with court orders.**

SO ORDERED.

Dated: October 26, 2023

New York, New York



ARUN SUBRAMANIAN
United States District Judge